

REMARKS

In response to the Office action mailed October 21, 2010, the Examiner's claim rejections have been considered. Applicant respectfully traverses all rejections regarding all pending claims and earnestly solicit allowance of these claims.

1. Claim Rejection – 35 U.S.C. § 103 – Claims 1-5 and 8-12

The Examiner has rejected claims 1-5 and 8-12 under 35 U.S.C. § 103(a) as being unpatentable over Cardno in view of Soper. Applicant respectfully traverses this rejection. For the sake of brevity, the rejections of the independent claims 1 and 8 are discussed in detail on the understanding that the dependent claims are also patentably distinct over the cited references, as they depend directly from their respective independent claims. Nevertheless, the dependent claims include additional features that, in combination with those of the independent claims, provide further, separate and independent bases for patentability.

Applicant submits that the Cardno and Soper references do not teach or suggest the following claim elements:

(1) enabling a user to select part of the spatial graphic to obtain additional data regarding the selected part of the spatial graphic, wherein the additional data includes a plurality of data values representing interactions between customers and merchants retrieved from the interaction database; and

(2) presenting a charted representation of interactions between customers and merchants associated with the part of the spatial graphic selected by a user using a data display component that is activated by the user, wherein the charted representation of interactions between customers and merchants is over a pre-specified period of time.

The Cardno and Soper references, which are commonly owned by the Assignee of the present application, do each disclose (1) a spatial display component that displays a spatial graphic of a physical layout of a commercial premise and (2) a contour generator that generates a representation of the data values on the spatial graphic.

However, the Cardno and Soper references do NOT disclose "a data display component that is activated by the user, wherein the data display component presents the additional data

associated with the selected part of the spatial graphic, and wherein the additional data includes a charted representation of interactions between customers and merchants over a pre-specified period of time.” The data display component of the present application displays the additional data and further interactions in FIG. 5 at reference number 300 as a chart/spreadsheet representing interactions between customers and merchants over a period of time. The data display component that is described in paragraph [0043] and shown in FIG. 5 is completely different than the spatial graphic of a physical layout of a commercial premise which is displayed in FIGS. 3 and 4.

Applicant has looked at the entire specifications of the Cardno and Soper references, and has not found any reference to a data display component that “presents the additional data associated with the selected part of the spatial graphic, and wherein the additional data includes a charted representation of interactions between customers and merchants over a pre-specified period of time.” Applicant has also given particular attention to the sections cited by the Examiner, which include Pg. 12, ll. 1-16; Pg. 11, ll. 28-33; Pg. 6, ll. 7-13. All of these sections (as well as FIG. 9, to which the section at Pg. 12, ll. 1-16 is directed) refer to a spatial graphic of a physical layout of a commercial premise, and not a data display component as described above and displayed in FIG. 5 of the present application.

In conclusion, Applicant respectfully submits that the 35 U.S.C. §103(a) rejection of claims 1-5 and 8-12 has been overcome.

CONCLUSION

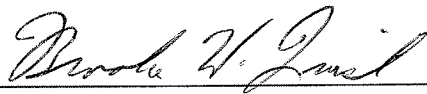
Applicant has made an earnest and *bona fide* effort to clarify the issues before the Examiner and to place this case in condition for allowance. Reconsideration and allowance of claims 1-5 and 8-12 is believed to be in order, and a timely Notice of Allowance to this effect is respectfully requested.

The Commissioner is hereby authorized to charge the fees indicated in the Fee Transmittal, any additional fee(s) or underpayment of fee(s) under 37 CFR 1.16 and 1.17, or to credit any overpayments, to Deposit Account No. 194293, Deposit Account Name STEPTOE & JOHNSON LLP.

Should the Examiner have any questions concerning the foregoing, the Examiner is invited to telephone the undersigned attorney at (310) 734-3200. The undersigned attorney can normally be reached Monday through Friday from about 9:00 AM to 6:00 PM Pacific Time.

Respectfully submitted,

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